

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: January 13, 2010

Agenda Item: Repeal Milltown Dam Administrative Rule

Division: Legal Unit

Action Needed: Approval of Proposed (Tentative) Rule

Time Needed on Agenda for this Presentation: 5 minutes

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Background

In November 2003, the commission adopted Administrative Rule of Montana (ARM) 12.11.3963 restricting boating, sailing, floating and swimming 200 feet above the dam and 200 feet below the dam. Milltown Dam was removed in March 2008 making ARM 12.11.3963 obsolete.

Public Involvement Process & Results

If the commission approves proposing the repeal of ARM 12.11.3963, notice will be published in the Montana Administrative Register, Fish, Wildlife & Parks' website, and sent to interested persons as required in the Montana Administrative Procedures Act. The public will have an opportunity to comment during the time established in the notice.

Alternatives and Analysis

If the commission does not approved proposing the repeal of ARM 12.11.3963, the obsolete rule will remain in effect.

Agency Recommendation & Rationale

FWP recommends that the commission initiate the process of repealing ARM 12.11.3963 removing the obsolete rule.

Proposed Motion

I move that the FWP Commission propose the repeal of ARM 12.11.3963 because the rule is no longer necessary.